



CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 03/18/03
AGENDA ITEM 6
WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: City Clerk

SUBJECT: An Ordinance Amending Chapter 6, Article 5 of the Hayward Municipal Code Relating to the Operation of Taxicabs in the City of Hayward

RECOMMENDATION:

It is recommended that the City Council adopt the attached Ordinance.

BACKGROUND:

The ordinance was introduced at the March 4, 2003, meeting of the City Council with the following vote:


AYES:	Council Members:	Hilson, Ward, Dowling, Henson
	Mayor:	Cooper
NOES:	Council Members:	Jimenez, Rodriquez
ABSENT:	Council Members:	None
ABSTAIN:	Council Members:	None

The ordinance was published in the Hayward Daily Review on March 12, 2003. Adoption at this time is therefore appropriate.

Prepared by:


Angelina Reyes, City Clerk

Approved by:


Jesús Armas, City Manager

Draft Ordinance

PUBLIC NOTICE OF AN INTRODUCTION OF AN ORDINANCE
BY THE CITY COUNCIL OF THE CITY OF HAYWARD

AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 5 OF THE HAYWARD MUNICIPAL CODE BY AMENDING CERTAIN PORTIONS OF SECTIONS 6-5.01, DELETING SECTION 6-5.01(c)(4), RENUMBERING EXISTING SECTIONS 6-5.08 AND 6-5.09, AND INSERTING A NEW SECTION 6-5.07, RELATING TO THE OPERATION OF TAXICABS IN THE CITY OF HAYWARD

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Chapter 6, Article 5, Sec. 6-5.01, of the Hayward Municipal Code is hereby amended by adding the following sentences to the first paragraph: "The City Council finds that the public convenience and necessity require that one taxicab be available for approximately each 3,000 residents or a portion thereof. The holder of a taxicab owner's permit shall have a minimum of five taxicabs as provided in section 6-5.01(a)(3) of this code."

Section 2. Chapter 6, Article 5, Sec. 6-5.01, subparagraph (a)(3) is hereby amended to read in full as follows:

“(3) Proof that a taxi owner applicant is prepared to operate with at least five four-door vehicles large enough to assure the comfort and safety of the passenger(s), together with a description of every motor vehicle the applicant proposes to use, including trade name, vehicle identification number, state license number, seating capacity, and body style;”

Section 3. Chapter 6, Article 5, Sec. 6-5.01, subparagraph (c)(4), is hereby deleted in its entirety.

Section 4. Chapter 6, Article 5, Sec. 6-5.01, subparagraph (d) is hereby amended to read in full as follows:

“(d) Each certificate issued hereunder shall expire on the 31st day of December of each year, and may be renewed by filing with the City Manager, or his or her designee, an application for renewal, at least 30 days prior to expiration. Said application for renewal shall be subject to investigation pursuant to section 6-5.01(b) of this code. If there are no material changes and the provisions of this code have been satisfied, the certificate shall be renewed. In the event the Chief of Police finds material changes in the owner's operation, the renewal application shall be considered as a new application.

Section 5. Chapter 6, Article 5, Sec. 6-5.01, subparagraph (f), is hereby amended to read in full as follows:

“(f) Proof of Financial Responsibility Required.

“(1) It shall be unlawful to drive or operate any public motor vehicle in the City unless the owner thereof shall have obtained a vehicle liability insurance policy or policies from an insurance company authorized to issue such policies under the laws of the State of California, insuring the vehicle operation by the owner and covering each vehicle insured under such policy or policies. Each vehicle insured shall be designated by number and State license number. Such policy of insurance shall guarantee the

payment to any and all persons suffering injuries or damage to personal property of any final judgment rendered against such owner or driver within the policy limits set forth in section 6-501(f)(2) of this code. Evidence of such insurance shall be by written certificate or certificates of such insurance corporation, including a separate endorsement naming the City of Hayward as an additional insured, filed with the City Clerk. Failure to maintain motor vehicle liability insurance as provided herein shall be grounds for immediate revocation of the certificate.

“(2) The motor vehicle liability policy required by this section shall insure the owner and any other person using or responsible for the use of any such vehicle, with the consent, express or implied, of the owner against loss from the liability imposed upon such owner by law for injury to or death of any person, or damage to property, growing out of the maintenance, operation or ownership of any taxicab. The policy must comply with the following minimum coverage:

“(i) Personal injury to or death of any one person, \$100,000 and subject to the limit of \$100,000 for each person injured or killed, \$450,000 for such injury to, or the death of two or more persons in any one accident;

“(ii) Damage to property, \$25,000 for any one occurrence;

“(iii) In lieu of the requirements in (i) and (ii) above, combined single limit coverage of \$500,000.

“Every certificate evidencing the insurance required under the provisions of this section shall certify that the motor vehicle liability policy or policies evidenced shall not be canceled except upon 30 days prior written notice thereof to the City Attorney's Office.

“All motor vehicle liability policies and all certificates thereof shall be subject to the approval of the City Attorney in any and all matters, and if at any time, in the judgment of the City Attorney, the motor vehicle policies are not sufficient for any cause, the City Attorney may require the owner to replace the motor vehicle policies within 10 days with other policies in accordance with the provisions of this section. If the owner fails to replace the motor vehicle policies within the 10-day period with good and sufficient policies, as set out in this section, then the City may suspend the owner's certificate until the requirement is complied with or the certificate is revoked.”

Section 6. Chapter 6, Article 5, Sec. 6-5.01(h) is hereby amended to read in full as follows:

“(h) Transferability. No certificate of compliance issued under this chapter shall be assignable or transferrable unless the prior approval of the Chief of Police is first had and obtained.

Prior to presenting the proposed assignment or transfer to the Chief of Police, the person to whom the permit is intended to be assigned or transferred shall first file a statement with the Chief of Police setting forth on such statement the information required to be furnished by an original applicant, together with such additional information as the Chief of Police may request. Within five days after receipt of such statement, the Chief of Police shall make an investigation, and shall either approve or disapprove the assignment or transfer within 30 days after the filing of the statement.”

Section 7. Chapter 6, Article 5, Sec. 6-5.08 (“PENALTIES”) is hereby renumbered as Sec. 6-5.09.

Section 8. Chapter 6, Article 5, Sec. 6-5.09 (“APPEALS”) is hereby renumbered as Sec. 6-5.10.

Section 9. Chapter 6, Article 5, is hereby amended to add a new section, Sec. 6-5.07, to read in full as follows:

“SEC. 6-5.07. RADIO DISPATCH. A comprehensive and adequate telephone and two-way radio dispatch system will be maintained at all times on a 24-hour basis. Such system shall include, either on the owner’s premises or by a business elsewhere under contract to the owner, the operation of a telephone answering line and an operator in charge thereof devoted primarily and promptly answering telephone calls requesting cabs and to dispatching cabs by radio in response to such calls. The owner will have 180 days from the date of permit issuance, to have the telephone and two-way radio dispatch system in operation. The Chief of Police may extend the time for compliance on a showing that, for reasons beyond the control of the owner, compliance is not possible within 180 days. In the interim, the owner will have in place an adequate system to handle calls for service, i.e., cellular telephone, answering service, or pager. Failure to comply with this requirement is grounds for immediate suspension or revocation of the certificate.

Section 10. SEVERANCE. Should any part of this ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided that the remainder of the ordinance, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

Section 11. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective 30 days from and after the date of its adoption.

Introduced at a regular meeting of the Hayward City Council held March 4, 2003, the above-entitled ordinance was introduced by Council Member Henson.

This ordinance will be considered for adoption at the next meeting of the Hayward City Council, to be held on March 18, at 8:00 p.m., in the Council Chambers, 777 B Street, Hayward, California. Copies of the full text of this ordinance are available for examination by the public in the Office of the City Clerk, 777 B Street, Hayward Public Main Library, 835 "C" Street, or the Weekes Branch Library, 27300 Patrick Avenue.

DATED: March 12, 2003

ANGELINA REYES
CITY CLERK OF THE
CITY OF HAYWARD